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VIA ECF

The Honorable Robert B. Kugler
United States District Court Judge
District of New Jersey
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets Room 1050
Camden, NJ 08101

Special Master the Honorable Thomas Vanaskie
Stevens & Lee
1500 Market Street, East Tower
18th Floor
Philadelphia, PA 19103

Re: In re Valsartan, Losartan, and Irbesartan Products Liability Litigation
Case No. 1:19-md-02875-RBK-JS

Dear Judge Kugler and Special Master Vanaskie:

This letter is to provide Defendants' positions with respect to the topics on the agenda for the Case Management Conference with the Court on November 30, 2022. The parties do not expect the need to discuss any confidential materials as part of these agenda items.

1. Proposed Briefing Schedule on Plaintiff MSP's Motion to Seal

At the October 27th Case Management Conference, the Court agreed with the parties' proposed briefing schedule on their respective motions to seal in connection with the class certification briefing, with opening briefs to be submitted on December 2 and responses on December 19. Counsel for MSP Recovery Claims Series, LLC and defense counsel are still engaged in negotiations regarding the scope of MSP's confidentiality designations submitted in



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connection with the class certification briefing. Defendants have proposed an extension of the briefing schedule for MSP's motion to seal where MSP's opening brief would be submitted December 16, 2022 (if necessary), and Defendants' response on January 6, 2023. Such extension would permit the parties additional time to meet-and-confer over the scope of proposed redactions to MSP's Rule 30(b)(6) deposition transcripts to see if an agreement can be reached, which would potentially avoid the need for the Court's involvement on this particular issue. Accordingly, Defendants request that the Court enter an order reflecting the deadlines above as it relates to MSP's motion to seal briefing.

2. Plaintiff Fact Sheet Deficiencies and Orders to Show Cause

Cases Addressed at the October 27, 2022 Case Management Conference:

The Court issued 10 show cause orders returnable at the November 30, 2022 Case Management Conference:

1. *Estate of Bernhardt v. Walgreens, et al* – 22-cv-4330
2. *Estate of Rita Chikhi v. Mylan, et al* – 22-cv-4533
3. *Yvonne Baker v. Doe* – 22-cv-4532
4. *Carl Mirabile v. ZHP, et al* – 22-cv-4254
5. *Rose McCarty v. ZHP, et al* – 22-cv-4164
6. *Bobby Yount v. ZHP, et al* – 22-cv-4155
7. *Robert Parker v. Hetero, et al* – 22-cv-2419
8. *Howard Engel v. Aurobindo, et al* – 22-cv-4536
9. *Estate of Genita Johnson v. ZHP, et al* – 20-cv-20602
10. *Anthony Long v. ZHP, et al* – 21-cv-13189

The issues in the *Bernhardt* and *Engel* matters are resolved, and the show cause orders may be withdrawn.

The issues in the *Mirabile* and *Long* matters remain unresolved, but the parties agree to an extension of the show cause orders until the next case management conference.



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The issues in the *Chikhi, Baker, McCarty, Yount, Parker, and Johnson* matters remain unresolved, and Defendants request their dismissals.

Second Listing Cases – Order to Show Cause Requested:

Pursuant to CMO-16, the Plaintiff Fact Sheets in the below cases are substantially incomplete and contain core deficiencies. Each of these cases were previously listed on the agenda for a prior CMC. This list was provided to Plaintiffs' leadership on November 17, 2022, and a global meet and confer was held on November 22, 2022. Defendants have also been available for further discussion as needed. Accordingly, Defendants request that an Order to Show Cause be entered in each of these cases, returnable at the next case management conference, as to why these cases should not be dismissed.

Defense counsel will be prepared to address the individual issues with respect to each of these cases, to the extent necessary, during the November 30, 2022 Case Management Conference:

	Plaintiff	Civil Action No.	Law Firm	Deficiencies	Deficiency Sent
1.	Estate of Clifford Conley v. Aurobindo, et al.	22-cv-3323	Nabers Law Firm	Witness line of health insurance authorizations blank; Need medical records of cancer diagnoses; need medical expenses	9/11/2022
2.	Dennis Macabuhay v. Aurobindo, et al	22-cv-4816	Fleming Nolen	Authorizations must be undated; Need medical expenses	10/7/2022
3.	Estate of Daniel Kwoka v. ZHP, et al	22-cv-4309	Levin Papantonio	Need medical expenses	10/7/2022



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4.	Estate of Eloise Allen v. ZHP, et al	22-cv-4935	Fleming Nolen	Need medical expenses	10/10/2022
5.	Carrie Collins v. Princeton, et al	19-cv-16386	Haffner Law	Need medical records; need pharmacy records; Cancer diagnosis section of PFS is blank; Need billing records; Insurance authorization signatures are unwitnessed	10/12/2022
6.	Maritza Hernandez v. Aurobindo, et al.	22-cv-3288	Levin Papantonio	Need medical expense records	9/23/2022
7.	Zola Owens v. Aurobindo, et al.	22-cv-4312	Levin Papantonio	Need medical expense records	9/28/2022
8.	Willie Quarles v. Aurobindo Pharma, et al.	22-cv-3385	Nabers Law Firm	I.C.11 – Still failed to provide the specific start dates for Plaintiff’s usage of both identified Valsartan products in the Amended PFS. I.C.12 – Still failed to provide the specific end dates for Plaintiff’s usage of both identified Valsartan products in the Amended PFS. III.C.5.a – Still failed to respond in the Amended PFS. III.G.c – Still failed to provide the monetary amounts for each of the identified claimed medical expenses in the Amened PFS. V.G.1-V.G.4 – Still failed to provide any information for the identified diagnosed conditions of: cirrhosis and	10/3/2022



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				hyperlipidemia in the Amended PFS. XI.B.2 – Still only three pages of medical records have been produced. Still failed to produce complete treatment medical records for each identified healthcare provider for the alleged injuries asserted in this lawsuit. XI.B.18 – Still no billing records produced with the Amended PFS.	
9.	Larry Bass v. Hetero Drugs, et al.	22-cv-4151	Nabers Law Firm	I.C.12 – Still failed to provide the specific date of the original diagnosis date of Plaintiff's cancer in the Amended PFS. III.G.c – Still failed to provide the monetary amounts for each of the identified claimed medical expenses in the Amended PFS. XI.B.2 – Still no Express Scripts pharmacy records produced. Also, still only five pages of medical records produced. Still failed to produce to complete treatment medical records for each identified healthcare provider for the alleged injuries in this lawsuit. XI.B.18 – Still no billing records with the Amended PFS.	10/3/2022
10.	Ina Roddey v. Hetero Labs, et al.	22-cv-4540	Parafinczuk Wolf, P.A.	IV.B.1-IV.B.4 – No hospitals or treatment facilities where Plaintiff received treatment are	9/2/2022



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				identified in the Amended PFS, only the individual providers are included in the PFS. Please amend and supplement with the hospitals and/or treatment facilities where Plaintiff received treatment XI.A.1 – No health care authorization produced for River Region Medical Center. Please produce a properly executed and undated health care authorization for the foregoing health care provider.	
11.	E.O. Candace King, et al. v. ZHP, et al.	22-cv-3856	Levin Papantonio	No Amended PFS filed III.G.a-III.G.c – Failed to provide any substantive responses to the request to identify Plaintiff's claimed medical expenses, including: the name of the healthcare provider for each claimed medical expense; the date of service for each claimed medical expense; and the monetary amount of each claimed medical expense. XI.B.18 – No billing records produced.	9/28/2022
12.	Robert Bailey v. Mylan Laboratories et al	22-cv-01518	Nabers Law	No medical expenses; incomplete medical records- only reflect a single PCP visit following prostate biopsy; PFS use time period	10/03/2022



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				inconsistent with pharmacy records	
13.	Thomas Amoia v. Mylan Laboratories et al	22 -cv- 02438	Nabers Law	No medical expenses; incomplete medical records	10/03/2022
14.	Robert Lewis v. Aurobindo, et al.	22 -cv- 02524	Nabers Law	No medical expenses; incomplete medical records; pharmacy records lack NDC codes to show use of recall product	10/03/2022
15.	Brian Thompson v. Aurobindo Pharma et al	22 -cv- 03438	Nabers Law	No medical expenses; no authorizations; incomplete medical records please see deficiency notice for complete listing	10/03/2022
16.	Renne Bishop v. Mylan Labs, et al	22 -cv- 03441	Nabers Law	No medical expenses; no authorizations; incomplete medical records please see deficiency notice for complete listing	10/03/2022
17.	Mona Clark v Aurobindo et al	22-cv- 03392	Nabers Law	No medical expenses; incomplete pharmacy records-uploaded documents do not have identifying information for Mona Clark	10/03/2022
18.	Elie Greene v. Aurobindo Pharma USA, Inc., et al	21-cv- 3214	Serious Injury Law Group	No records or authorizations, sections I.E. & X. are in conflict regarding who completed PFS, plaintiff's purported signature on declaration postdates death by more than a year	5/9/2022



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First Listing Cases – Remaining Core Deficiencies:

The following Plaintiff Fact Sheets contain core deficiencies which remain unresolved. This list was provided to Plaintiff leadership on November 18, 2022, and a global meet and confer was held on November 22, 2022. Defendants have also been available for further discussion as needed. This is the first time these cases have been listed on this agenda. Accordingly, Defendants are not requesting orders to show cause with respect to any of the below cases at this time and will continue to meet and confer to resolve these deficiencies.

	Plaintiff	Civil Action No.	Law Firm	Deficiencies	Deficiency Sent
1.	Estate of James Willis v. ZHP, et al.	22-cv-05352	Levin Papantonio	Need medical expenses	11/8/2022
2.	Estate of Gale Barber v. ZHP, et al.	22-cv-5051	Levin Papantonio	Need medical expenses	11/8/2022
3.	Mary Ann Knudson v. Aurobindo, et al.	22-cv-4813	Fleming Nolen & Jez	Need medical expense records, authorizations need to be undated	10/18/2022
4.	Kenneth Bacque, III v. Zhejiang Huahai Pharmaceutical Co., Ltd et al	2022 -cv-04572	Levin Papantonio	Need medical expenses; section IX incomplete	10/20/2022
5.	Diana R. Balay, Personal Representative of Esteban C. Rodriguez, Deceased, v. Aurobindo	22-cv-05040	Fleming Nolen & Jez	No medical expenses; no pharmacy records showing proof of use for all sartan medications; incomplete PFS see letter for complete listing	11/14/2022



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	Pharma Ltd., et al.				
6.	The Estate of Jeane Herscher v. Zhejiang Huahai Pharmaceutical Co., Ltd et al	22-cv-04802	Levin Papantonio	No medical expenses	11/14/2022
7.	Estate of Juanita Calhoun v. ZHP, et al.	22-cv-5654	Moore Law Group	No PFS filed	11/21/2022
8.	Estate of Max Schwartz v. ZHP, et al.	22-cv-5685	Levin Papantonio	No PFS filed	11/23/2022
9.	James Huse v. Aurobindo, et al.	22-cv-5829	Levin Papantonio	No PFS filed	11/30/2022

Respectfully submitted,

/s/ Lori G. Cohen

Lori G. Cohen

cc: Adam Slater, Esq. (*via email, for distribution to Plaintiffs' Counsel*)
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